

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

KATHY LANDIS, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

THE ELEVANCE HEALTH COMPANIES,
INC. f/k/a THE ANTHEM COMPANIES,
INC. and AMERIGROUP CORPORATION,

Defendants.

Case No. 4:23-cv-00005-M-KS

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant The Anthem Companies, Inc. ("Anthem") notifies this Court of the September 29, 2025 Order Granting Defendant's Motion for Summary Judgment in a related case, *Lazaar v. The Anthem, Companies, Inc., et al.*, Case No. 22-cv-03075 (JGLC). Anthem presents the Summary Judgment Order as supplemental authority pertaining to Defendant's Motion for Summary Judgment in this action. (Doc. 112). A true and correct copy of the Summary Judgment Order is attached as Exhibit A.

The plaintiffs in *Lazaar* are registered nurses who Anthem employed as Nurse Medical Management nurses to conduct medical necessity reviews. They were salaried, classified as exempt from overtime, and alleged misclassification under the FLSA and state wage laws. The plaintiffs in *Lazaar* raised arguments materially similar to those advanced here, while Anthem asserted the same defense based on the FLSA's learned professional exemption.

The court in *Lazaar* explicitly followed the Second Circuit's decision in *Isett v. Aetna Life Ins. Co.*, 947 F.3d 122 (2d Cir. 2020), rejecting the plaintiffs' argument that *Isett* is "factually distinct." (Ex. A; *see also* Doc. 135 at 2.) The court ultimately found that, like the plaintiffs in *Isett*,

the NMM nurses in *Lazaar* exercised professional judgment and possessed the specialized knowledge required to qualify for the learned professional exemption.

Accordingly, Anthem submits that the *Lazaar* Order reinforces the applicability of the learned professional exemption and is highly persuasive authority for the Court's consideration.

DATED: October 1, 2025

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Vincent Smolczynski

Vincent Smolczynski
NC State Bar No. 59715
vsmolczynski@seyfarth.com
SEYFARTH SHAW LLP
300 S. Tryon Street
Suite 400
Charlotte, NC 28202
Telephone: (704) 925-6026
Facsimile: (704) 946-6083

Brett C. Bartlett*
bbartlett@seyfarth.com
Kevin M. Young*
kyoung@seyfarth.com
Lennon B. Haas*
lhaas@seyfarth.com
Shannon Cherney*
schernye@seyfarth.com
*By Special Appearance
SEYFARTH SHAW LLP
1075 Peachtree Street, N.E.
Suite 2500
Atlanta, GA 30309
Telephone: (404) 885-1500
Facsimile: (404) 856-7092

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I presented DEFENDANT’S NOTICE OF SUPPLEMENTAL AUTHORITY with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants and counsel of record.

/s/ Vincent Smolczynski

Vincent Smolczynski

Counsel for Defendants